

**REMARKS/ARGUMENTS**

The Examiner has indicated that claims 1-13 are pending in present application.

Applicants contend that all of the original claims 1-15 in the application are pending.

Claims 1 and 13 were rejected under 35 U.S.C. §102(e) as being anticipated by the U.S. Patent 6, 784,428 to Rabolt et al. (hereinafter “Rabolt”). The Examiner objected to claims 2-12, indicating that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants believe that claims 1 and 13 are not anticipated by Rabolt and respectfully request withdrawal of the rejection.

**Rabolts' disclosure**

Rabolt describes an IR signal that is applied to a sample 120 in an FTIR interferometer. (Figure 1). The sample 120 modulates the applied IR signal which result in an interferogram that is a summation of all the wavelengths that are emitted by the sample. The interferogram is then processed to provide a spectrum that is characteristic of the light absorbed or transmitted through the sample. (Col. 3, line 53-col. 4, line 7).

Anticipation under 35 U.S.C. §102(b):

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in the a single prior art reference. (MPEP 2131).

Rabolt does not disclose applying a modulated signal to a wavelength meter.

In rejecting claim 1, the Examiner stated that Rabolt teaches a method for determining power of a modulated signal, comprising: “applying the modulated signal to a wavelength meter”. In support of this statement, the Examiner cites col. 3, line 53-59, and col. 3, line 46 of Rabolt. Applicants disagree with the Examiner’s characterization of Rabolt.

In the portions cited by the Examiner, Rabolt discloses a FTIR interferometer 100 having as key components, an IR source 110, that is provided to an interferometer (130, 140, 150) and a detector 160. Rabolt’s Figure 1 shows that the IR source 110 is the input to the FTIR 100. Rabolt does not disclose that this IR source is a modulated signal. Rather, Rabolt discloses that transmitting optical frequencies through sample 120 simultaneously, “*modulates] the intensity of individual frequencies of radiation...*” (emphasis added). Rabolt clearly indicates that it is the sample 120 *within* the FTIR interferometer 100 that modulates the intensity of individual frequencies of radiation *within* the FTIR 100. (Col. 3, lines 56-58).

Rabolt does not disclose applying the modulated signal to a wavelength meter, as recited in Applicants claim 1. Since this element of Applicants’ claim 1 is not described in Rabolt, Applicants claim can not be anticipated by Rabolt on this ground.

Rabolt does not provide a sum that represents the power of the modulated signal applied to a wavelength meter.

As stated above, Rabolt does not apply a modulated signal to a wavelength meter. Rather, Rabolt states that the sample 120 modulates the intensity of individual frequencies of radiation, that the interferogram is a summation of all the wavelengths emitted by the sample (Col. 3, line 67-col. 4, line 1) and that a processor converts the interferogram into a spectrum that is characteristic of the light either absorbed or transmitted through sample 120 (Col. 4, lines 5-7). Rabolt does not disclose providing a sum that represents the power of the modulated signal applied to the wavelength meter, as recited in Applicants claim 1. Since this element of Applicants' claim 1 is not described in Rabolt, Applicants claim can not be anticipated by Rabolt on this independent ground.



## CONCLUSION

Because at least two elements set forth in Applicants' claim 1 are not expressly or inherently described in the Rabolt reference, this claim can not be anticipated under 35 U.S.C. §102(b) on at least these two independent grounds. Claims 2-15 which depend on claim 1 are not anticipated by Rabolt based on claim 1 not being anticipated by Rabolt. Applicants believe that claims 1-15 are patentable over Rabolt and respectfully request that the rejection be withdrawn.

If the Examiner has any questions or would like to discuss this application in more detail, he is invited to call Applicants' attorney at the telephone number given below.

Respectfully submitted,

By JL2  
John L. Imperato  
Reg. No. 40,026

Tel.: (650) 485-5511

Dated: March 3, 2006

AGILENT TECHNOLOGIES, INC.  
Legal Department, M/S DL 429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, Colorado 80537-0599